

REMARKS

Claims 1-14 are pending.

Claims 1, 4 and 14 are independent claims.

Drawings:

The indication that the drawings filed on April 2, 2001 were accepted is noted.

Foreign Priority:

The indication that the foreign priority documents have been received and placed in the file is noted.

Reply to Rejections:

First Rejection:

Claims 1, 4, 5-7, and 11-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yasutake (U.S.P. 5,729,249 hereinafter "Yasutake") in view of Suzuki (U.S.P. 6,130,664 hereinafter "Suzuki"). This rejection is traversed.

At least correctly recognizing that "Yasutake fails to teach a position detection sensor arrangement provided in or at the housing, the position detection arrangement sensing the orientation and/or the position of the housing and generating a corresponding control signal to the display device for orienting the object on the display device according to the orientation and position of the housing", the Examiner relies on Suzuki. Note, in base claims 1 and 4, the phrase "/or" has been

cancelled before "the position of the housing" to further define the invention.

The Suzuki reference describes different embodiments of a computer mouse. The embodiments shown in Figs. 1, 2, 5, and 6 relate to a mouse which when located on a flat support surface can be tilted about one axis (Figs. 1, 2, and 5) or two axes (Fig. 6) parallel to the surface. A detecting means detects the tilting angle and controls the cursor on a screen, accordingly.

According to the embodiment of Fig. 7, the ball-like mouse can be rotated (rolling movement) so that an image on the screen can be rotated. *See column 7, lines 25-30 and column 8, lines 11-25 of the Suzuki reference.*

However, the Suzuki reference merely talks about rotating the image. In contrast thereto, according to the invention in the context claimed, also the position of the housing is detected. So it is not only the orientation of the housing within the space, which is detected according to the invention but also the position relative to the display device.

For example, if the ball-like mouse of Fig. 7 of the Suzuki reference is linearly displaced, no control signal is generated in the mouse since the three angular velocity sensors 25, 26, 27 are merely sensitive with regard to rotational movements.

The rejection set forth in the Office Action does not meet the test of a *prima facie* case of obviousness even though

combining the two references, the structure claim is not shown or suggested and/or outside of the Applicants own disclosure, there would be no valid motivation to combine these reference.

Furthermore, in deciding the issue of obviousness, the results of the combination must be considered, this is the law. The results, for example, are an improvement over the prior art as explained, for example, on pages 6 and 7 of the specification. *See the Gillette Co. v. S.C. Johnson & Sons, Inc.* 16 USPQ 2d. 1923, 1928 (Fed.Cir. 1990) wherein the Court stated as follows:

"An analysis of obviousness of a claimed combination must include consideration of the results achieved by the combination. As we explained in *Interconnect Planning Corp. v. Feil*, 774 Fed.2d. 1132, 1143, 227 USPQ 543, 551 (Fed.Cir. 1985) [cited in the MPEP] emphasis added.

With respect to the dependent claims, these claims are considered patentable at least for the same reasons as their base or intervening claims.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. § 103.

Second Rejection:

Claims 2, 3, and 8-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yasutake (U.S.P. 5,729,249) in

view of Suzuki (U.S.P. 6,130,664) as applied to claims 1, 4, 5-7, and 11-14, as above and further in view of Levin, et al. (U.S.P. 6,154,201). This rejection is traversed.

The addition of Levin does not cure the innate deficiencies of the rejection based on the first two references as explained above. Additionally, Levin, et al. has a filing date of October 26, 1998. The Applicants have a priority date of September 8, 1998 and if the Examiner wishes, the Applicants will file a certified copy of this priority document to overcome Levin.

Additionally, while Levin, et al. is a continuation-in-part of other applications, which have an earlier date including an application that became Patent No. 5,825,308. A cursory review of Patent No. 5,825,308, which was not applied, does not reveal the features relied on in the Levin, et al. patent.

Also, continuation-in-part applications may have subject matter that has been deleted or added to a patent that issues. The Examiner is requested to clarify his reliance on Levin, et al.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. § 103.

Conclusion

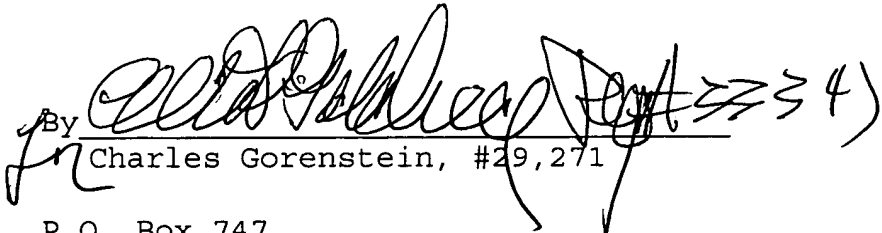
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot A. Goldberg (Reg. No. 33,347) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$475.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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